

REMARKS

The present Amendment responds to the Office Action dated September 13, 2006. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by December 13, 2006.

In the Office Action, claims 28-31 and 33-44 are pending and claims 33, 35, 36, 38, and 39 are withdrawn from consideration. In the Office Action, it appears that the Examiner has withdrawn some of the previous claim objection and claim rejections. Specifically, in item 1 on page 2 of the Office Action, the Examiner states that the previous objection to claim 34 under 37 CFR 1.75(c) has been withdrawn. Also, in item 2, the Examiner states that she has withdrawn the rejection of claims 28-31 and 33-44 "in view of applicant's persuasive argument...". The Examiner does, however, maintain the rejection of claim 43 under 35 USC 112, second paragraph and suggests remove the word "the" in "the soil mobility". The Examiner will note that claim 43 has been amended as the Examiner has suggested.

With continued reference to the Office Action, the Examiner continues to reject claims 28-31, 34, 37, and 40-42 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,465,756 to Mikami et al. Claims 28, 29, 34, and 40-43 have also again been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,925,595 to Seitz et al. Finally, claim 44 remains rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the Mikami et al. reference.

Turning first to the 102(b) rejection of the claims over the Mikami et al. reference, Applicants note with appreciation that the Examiner has found Applicants' previous arguments persuasive, stating "Applicant's argument that Mikami does not disclose formula IV or that sodium tetradecylamidophenylsulfonate does not meet the structure of formula IV is persuasive and therefore the argument is not addressed." (OA, p. 5). In the present Office Action,

however, the Examiner takes the position "[t]he surface-active agents can be anionic and an example is sodium tetradecylamidophenylsulfonate (column 11, lines 49-57), which reads on the sulfonate polyester polyol." (OA, p. 3). Applicants respectfully disagree. Respectfully, it is submitted that sodium tetradecylamidophenylsulfonate and sulfonate polyester polyol are not one in the same and therefore sodium tetradecylamidophenylsulfonate cannot read on sulfonate polyester polyol. Accordingly, Applicants respectfully request that the Examiner reconsider the rejection of the claims over the Mikami et al. reference or otherwise further explain how sodium tetradecylamidophenylsulfonate meets the limitations of the claim so that Applicants can respond.

With respect to the Examiner's § 102(b) rejection of the claims over the Seitz et al., Applicants again note with appreciation that the Examiner states that the colloids in Seitz do not meet the structural limitation of formula IV. However, this rejection is again raised in the present Office Action and is believed to be specifically addressing sulfonate polyester polyol. Applicants state that none of the colloids identified by the Examiner meet the limitations of the claim or specifically that of sulfonate polyester polyol. Applicants request that the Examiner further explain her position by specifically identifying the values of X and Z of those colloids believed to be readable upon sulfonate polyester polyol so that Applicants can better understand and respond to the Examiner's rejection.

Finally, the Examiner has maintained her previous § 103 rejection of claim 44, which Applicants addressed in their previous Amendment dated June 21, 2006 and incorporated herein by reference. Applicants respectfully submit that it is unclear how the § 103 rejection of claim 44 differs from that previously raised in the Examiner's Office Action of March 16, 2006. Indeed, it appears that the rejection is identical to that of the previous Office Action. Further, the Examiner does not appear to comment on Applicants' response to that rejection or explain why

Applicants arguments are found unpersuasive. Accordingly, Applicants maintain their position previously set forth in the last communication with respect to this rejection and invite the Examiner to withdrawn this claim rejection or to more fully explain the present rejection so that Applicants can appropriately respond thereto.

Based upon the foregoing then, Applicants submit that the pending claims are in condition for allowance and the Examiner is courteously solicited to pass this application on to allowance. No other fees are believed to be payable at this time. However, the Commissioner is authorized to debit any applicable fees from the deposit account of the undersigned, No. 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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